

CLOSED

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:17-cv-02906-G**

Highland Capital Management LP v. Internal Revenue Service
Assigned to: Senior Judge A. Joe Fish
Cause: 05:552 Freedom of Information Act

Date Filed: 10/20/2017
Date Terminated: 04/02/2019
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Highland Capital Management LP**

represented by **Joel R Sharp**
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V.

Defendant**Internal Revenue Service**

represented by **Stephanie Sasarak**
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Date Filed	#	Docket Text
10/20/2017	<u>1</u>	COMPLAINT against Internal Revenue Service filed by Highland Capital Management LP. (Filing fee \$400; Receipt number 0539-8754024) Clerk to issue

		<p>summonses for federal and non-federal defendants. In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov, or by clicking here: <u>Attorney Information – Bar Membership</u>. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Cover Sheet) (Allen, Katherine) (Entered: 10/20/2017)</p>
10/20/2017	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Highland Capital Management LP. (Allen, Katherine) (Entered: 10/20/2017)
10/20/2017	<u>3</u>	New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Stickney). Clerk to provide copy to plaintiff if not received electronically. (ran) (Entered: 10/20/2017)
10/20/2017	<u>4</u>	Summons issued as to Internal Revenue Service, U.S. Attorney, and U.S. Attorney General. (ran) (Entered: 10/20/2017)
10/25/2017	<u>5</u>	ORDER: Within 15 days of the date of this order, Timothy L. Jacobs, Esquire shall either (1) provide to the court, and to the clerk of court, satisfactory documentation of membership or (2) apply for membership in the Bar of this court or for admission pro hac vice for this case. (Ordered by Senior Judge A. Joe Fish on 10/25/2017) (ran) (Entered: 10/25/2017)
10/27/2017	<u>6</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing for Attorney Timothy L. Jacobs (Filing fee \$25; Receipt number 0539-8769277) filed by Highland Capital Management LP (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Proposed Order) (Allen, Katherine) (Entered: 10/27/2017)
11/02/2017	<u>7</u>	ORDER granting <u>6</u> Application for Admission Pro Hac Vice of Timothy L. Jacobs. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge A. Joe Fish on 11/2/2017) (epm) (Entered: 11/02/2017)
12/20/2017	<u>8</u>	ANSWER to <u>1</u> Complaint filed by Internal Revenue Service. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. Attorney Stephanie Sasarak added to party Internal Revenue Service(pty:dft) (Sasarak, Stephanie) (Entered: 12/20/2017)
12/20/2017	<u>9</u>	ORDER: No later than 20 days after this order is filed, defendant must comply with Rule 3.1(c) or 3.2(e) so that the court can ensure that recusal is not required in this case. (Ordered by Senior Judge A. Joe Fish on 12/20/2017) (chmb) (Entered: 12/20/2017)
12/20/2017	<u>10</u>	STATUS REPORT ORDER: Joint Status Report due by 1/10/2018. See order for specifics. (Ordered by Senior Judge A. Joe Fish on 12/20/2017) (chmb) (Entered: 12/20/2017)
01/02/2018	<u>11</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Internal Revenue Service. (Sasarak, Stephanie) (Entered: 01/02/2018)
01/09/2018	<u>12</u>	Joint STATUS REPORT filed by Highland Capital Management LP. (Allen, Katherine) (Entered: 01/09/2018)
01/16/2018	<u>13</u>	ORDER: The defendant shall file and serve the anticipated motion for summary judgment no later than 4/30/2018. A response and reply may be filed in accordance with the local rules. (Ordered by Senior Judge A. Joe Fish on 1/16/2018) (sss) (Entered: 01/16/2018)
01/19/2018	<u>14</u>	NOTICE of <i>Plaintiff's Initial Disclosures</i> filed by Highland Capital Management LP (Allen, Katherine) (Entered: 01/19/2018)

04/30/2018	<u>15</u>	MOTION for Summary Judgment filed by Internal Revenue Service with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Sasarak, Stephanie) (Entered: 04/30/2018)
04/30/2018	<u>16</u>	Brief/Memorandum in Support filed by Internal Revenue Service re <u>15</u> MOTION for Summary Judgment (Sasarak, Stephanie) (Entered: 04/30/2018)
04/30/2018	<u>17</u>	Appendix in Support filed by Internal Revenue Service re <u>15</u> MOTION for Summary Judgment (Sasarak, Stephanie) (Entered: 04/30/2018)
05/21/2018	<u>18</u>	RESPONSE filed by Highland Capital Management LP re: <u>15</u> MOTION for Summary Judgment (Sharp, Joel) (Entered: 05/21/2018)
05/21/2018	<u>19</u>	Appendix in Support filed by Highland Capital Management LP re <u>18</u> Response/Objection (Sharp, Joel) (Entered: 05/21/2018)
05/25/2018	<u>20</u>	MOTION for Extension of Time to File Response/Reply to <u>15</u> MOTION for Summary Judgment , <u>18</u> Response/Objection filed by Internal Revenue Service with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Sasarak, Stephanie) (Entered: 05/25/2018)
05/31/2018	<u>21</u>	ORDER granting <u>20</u> Motion to Extend Time to File Response/Reply. Replies due by 6/11/2018. (Ordered by Senior Judge A. Joe Fish on 5/31/2018) (rekc) (Entered: 05/31/2018)
06/11/2018	<u>22</u>	REPLY filed by Internal Revenue Service re: <u>15</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Affidavit(s) Second Declaration of Christopher Valvardi) (Sasarak, Stephanie) (Entered: 06/11/2018)
03/15/2019	<u>23</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part <u>15</u> Motion for Summary Judgment. For the records on which summary judgment is denied, i.e., those records withheld due to FOIA Exemption Five (attorney-client privilege) and FOIA Exemption Five (deliberative process privilege), the IRS shall, within 15 days of this date, file those records under seal for in camera inspection by the court. (Ordered by Senior Judge A. Joe Fish on 3/15/2019) (zkc) (Entered: 03/15/2019)
03/27/2019	<u>24</u>	NOTICE of <i>Compliance</i> re: <u>23</u> Memorandum Opinion and Order, filed by Internal Revenue Service (Sasarak, Stephanie) (Entered: 03/27/2019)
04/02/2019	<u>25</u>	Order: Summary judgment is GRANTED in favor of the IRS with respect to the documents withheld under FOIA Exemption Five. (Ordered by Senior Judge A. Joe Fish on 4/2/2019) (svc) (Entered: 04/03/2019)
04/02/2019	<u>26</u>	JUDGMENT: The Internal Revenue Service's motion for summary judgment is GRANTED; Judgment is entered in favor of the Internal Revenue Service. (Ordered by Senior Judge A. Joe Fish on 4/2/2019) (svc) (Entered: 04/03/2019)